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Supreme Court, U.S.
FILED
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ROBERT SEAVER, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

BILLY BOB WILLIAMS ET UX: PETITIONERS:

VS.

DR. DWIGHT DILL ET AL: RESPONDENTS:

ADDENDUM COPY TO,

APPLICATION FOR WRIT OF CERTIORARI.

TITLE 28, SECTION 2403: MAYBE APPLICABLE.

FROM THE UNITED STATES COURT OF APPEALS:

FIFTH CIRCUIT.

NEW ORLEANS, LOUISIANA.

CASE NO. S - 71 -2448

ROSEMARY WILLIAMS

1608 GARDENSIDE DR.

DALLAS, TEXAS 75217

COUNSEL FOR PETITIONERS:

JURISDICTION ON WRIT OF CERTIORARI.

THIS CASE WAS REMOVED FROM THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA TEXAS. IF THIS CASE WAS NOT REMOVABLE UNDER TITLE 28 SEC. 1446; "IT IS A CASE WHICH HAS BECOME REMOVABLE, UNDER TITLE 28 SEC. 1443: STATE OFFICIALS DENYING PETITIONERS CIVIL RIGHTS, (1.) STATE OFFICIALS OBSTRUCTING JUSTICE AND CONSPIRING TO "ILLEGALLY DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS. "DUE PROCESS OF LAW." "EQUAL PROTECTION OF LAW." AND THIS IS BEING DISCRIMINATORY TO THE 14 TH. AMENDMENT.

THERE WERE "INDISPENSABLE PARTIES," "DIVERSITY OF CITIZENSHIP," "CONTROVERSY OF COSTS." THESE INDISPENSABLE PARTIES WERE NOT PRESENT TO CLAIM TITLE IF ANY, THAT ARE IN POSSESSION OF THIS LAND AND THIS IS IN CONFLICT TO THE DECESION THE U. S. COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LOUISIANA. HAS PREVIOUSLY MADE ON PAGE 8 and 9. OF WRIT OF CERTIORARI. THE UNITED STATES COURT OF CIVIL APPEALS, HAS DECEIDED A FEDERAL QUESTION IN A WAY IN CONFLICT WITH APPLICABLE DECESION OF THIS COURT, AND HAS SO FAR DEPARTED FROM THE ACCEPTED

AND USUAL COURCE OF JUDICIAL PROCEEDINGS THIS CALLS FOR AN EXERCISE OF THIS COURT'S POWER OF SUPERVISION.

SUPREME COURT OF THE UNITED STATES.

(JURISDICTION.)

(1.) TITLE 28 SECTION 1251;

(2) TITLE 28 SECTION 1254;

(3.) TITLE 42 SECTION 1985;

UNITED STATES DISTRICT COURT

(JURISDICTION.)

(1.) TITLE 28 SECTION 1331;

(2.) TITLE 28 SECTION 1332;

(3.) TITLE 28 SECTION 1343;

(4.) TITLE 28 SECTION 1443;

(5.) TITLE 28 SECTION 1446;

THIS COMES UNDER UNITED STATES COURT JURISDICTION AND NOT STATE JURISDICTION. AND IS REPUGNANT TO THE UNITED STATES CONSTITUTION. 14 TH AMENDMENT. "DUE PROCESS OF LAW." "EQUAL PROTECTION OF LAW." THIS INVOLVES STATE OFFICIALS OBSTRUCTING JUSTICE, THIS IS STATE OFFICIALS "ILLEGALLY CONSPIRING TO DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS." THIS IS UNCONSTITUTIONAL.

IN THE

SUPREME COURT OF THE UNITED STATES

THIS IS A APPENDED COPY TO BE ATTACHED TO THE WRIT OF CERTIORARI.

TITLE 28 SECTION 2403? U.S.C.A. MAY BE APPLICABLE AND SHALL BE SERVED UPON THE SOLICTOR GENERAL, JUSTICE DEPT. WASHINGTON, D.C. THIS CONSTITUTIONALLITY OF ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST, IS DRAWN IN QUESTION?

THE AFFIDAVIT AND MAPS IN THE ADDENDUM OF WRIT OF CERTIORARI, VERY WELL AFFECTS THE PUBLIC, AND THE PUBLIC RECORDS, OF WOOD COUNTY, TEXAS. 100 VARAS OF LAND HAS BEEN TAKEN OUT OF THE SAM HOUSTON SURVEY, AND ADDED TO THE S.T. ALPINE SURVEY, THIS AFFECTS THE PUBLIC IN AS MUCH AS THE PUBLIC RECORDS, HAVE BEEN TAMPERED WITH, THIS IS A REGISTERED SURVEYOR, WITH THE STATE OF TEXAS. THAT HAS MADE A FALSE SURVEY TO THE PUBLIC. SURVEYOR W.A. MORRISSON, J.R. THIS IS "FUNDAMENTAL ERROR." AND COMES UNDER TITLE 28, SECTION 2403: THIS DR. DILL CLAIMED UNDER THE STATUTES OF THE STATE OF TEXAS, UNDER A FALSE SURVEY. TO WHICH THE PUBLIC WAS NOT AWARE.

Rosemary Williams

ROSEMARY WILLIAMS
1608 GARDENSIDE DR.
DALLAS, TEXAS 75217

RESPECTFULLY SUBMITTED,

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT SERVICE OF THIS APPENDED COPY TO WRIT OF CERTIORARI, HAS BEEN MADE THIS DAY OF DECEMBER 10th, 1971., ON OPPOSING ATTORNEYS OF RESPONDENTS,

M. D. CARLOCK
P.O. BOX 151
WINNSBORO, TEXAS

JOHN M. SMITH
P.O. DRAWER 2072
LONGVIEW, TEXAS

BY DEPOISTING IN AN ENVELOPE, CERTIFIED RETURN RECEIPT REQUESTED, WITH POSTAGE PREPAID, PROPERLY ADDRESSED TO THE ATTORNEYS, M.D. CARLOCK AND JOHN M. SMITH, DEPOISTING THE SAME IN THE UNITED STATES MAIL.

NO. 12,763 CONSOLIDATED

EMORY DWIGHT DILL, ET AL	I	IN THE DISTRICT COURT
VS.	I	OF WOOD COUNTY, TEXAS
BILLY BOB WILLIAMS, ET AL	I	115TH JUDICIAL DISTRICT

JUDGMENT

On the 23rd day of November, 1970, there came on for trial the above styled and numbered cause wherein Emory Dwight Dill, who is one and the same person as Dwight Dill, and Robert P. Dill were plaintiffs and Billy Bob Williams and Rosemary Williams were defendants.

The Plaintiff, Emory Dwight Dill appeared in person and through his attorneys of record and the Plaintiff, Robert P. Dill appeared through his attorneys of record and announced ready for trial. The Defendants Billy Bob Williams and Rosemary Williams appeared in person, announced ready for trial and announced that they would represent themselves, whereupon the jury, good and lawful men and women who, being duly empaneled and sworn and having heard the pleadings and evidence and the argument of counsel rendered their verdict on their oath as follows:

SPECIAL ISSUE NO. 1:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them, held peaceable and adverse possession as that term has been defined herein of the land depicted on Plaintiff's Exhibit No. 28, cultivating, using or enjoying the

same for any period of ten consecutive years between October 30, 1936, and October 13, 1968?

Answer "yes" or "no".

ANSWER: Yes

SPECIAL ISSUE NO. 2:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them, held peaceable and adverse possession as that term has been defined herein of the land depicted on Plaintiff's Exhibit No. 28, cultivating, using or enjoying the same, and paying taxes thereon and claimin under a deed or deeds duly registered for any period of five consecutive years between October 30, 1936, and October 13, 1968?

Answer "yes" or "no."

ANSWER: Yes

SPECIAL ISSUE NO. 3:

Do you find from a preponderance of the evidence that Emory Dwight Dill and Robert P. Dill and those under whom they hold, either in person or through a tenant or tenants or some person holding for them have held peaceable and adverse possession of the tract depicted on Plaintiff's Exhibit No. 28 for any period of twenty-five consecutive years between October 30, 1936, and October 13, 1968, under a claim of right in good faith claiming under a deed or deeds or any instrument or instruments purporting to convey the same which have been recorded in the Deed Records of Wood County, Texas?

Answer "yes" or "no."

ANSWER: Yes

which said verdict was received and filed in this Court on the 25th day of November, 1970. Thereafter, plaintiffs filed a motion for judgment which was duly set for hearing on this date and upon consideration of such motion the Court is of the opinion and finds that the plaintiffs are entitled to judgment both as a matter of law and upon finding of the jury.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that the Plaintiffs, Emory-Dwight Dill, who is one and the same person as Dwight Dill, and Robert P. Dill do have and recover of and from the Defendants, Billy Bob Williams and Rosemary Williams, the title and possession of and to the following described tract of land situated in Wood County, Texas, to-wit;

> Being all that certain lot, tract or parcel of land, lying and being situated in Wood County, Texas, being a part of the Sam Houston Survey, Abstract No. 270, and being more fully described as follows;
>
> BEGINNING at an old fence corner at the most Northerly North West corner of the Sam Houston Survey, Abstract No. 270, beginning point being on the EBL of the J. Delap Survey, Abstract No. 736, and being at the South West corner of the S. T. Alphin Survey, Abstract No. 23;
>
> THENCE East with a fence line running along the NBL of the Sam Houston Survey and the SBL of the S. T. Alphin Survey 1946.4 feet (700.7 vrs.) to the corner at old fence corner, same being on the WBL of a tract of land owned by F. M. Hudgins;
>
> THENCE S. 1 deg. W. with an old fence line 1202.8 feet (433 vrs.) to angle point in fence line;
>
> THENCE S. 23 deg. 30 min. W. with fence line 783.3 feet (282 vrs.) to angle point in fence;
>
> THENCE S. 57 deg. 30 min. E., running with fence line 1444.4 feet (520 vrs.) to corner at an old fence corner;
>
> THENCE S. 24 deg. W. with fence line 1719.4 feet (619 vrs.) to a concrete marker set on the North East Bank of Sabine River;
>
> THENCE up and with the meanderings of Sabine River to a concrete marker set for the most Westerly North West corner of the herein described tract of land, same being the Southwest corner of a tract of land formerly owned by Deen and Hanson;
>
> THENCE N. 89 deg. E. with the remains of an old fence line 1333.3 feet (480 vrs.) to a concrete marker set at an old fence corner, being an Ell corner of the herein described tract of land and being the South East corner of above mentioned tract of land formerly owned by Deen and Hanson;
>
> THENCE North with an old fence line 819.4 feet (295 vrs.) to the place of beginning, containing one hundred and fifty (150) acres of land, more or less.

It is further ORDERED, ADJUDGED and DECREED that the Plaintiffs hereinabove named shall have and there shall be issued for and on their behalf a writ of possession.

It is ordered that all cost incurred herein shall be assessed against the Defendants, Billy Bob Williams and Rosemary Williams for the collection of which execution shall issue.

PRONOUNCED, ENTERED and RENDERED this the 31 day of December, 1970.

Leon E. Lindsey

JUDGE, 115TH JUDICIAL DISTRICT
COURT OF WOOD COUNTY, TEXAS

IN THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF TEXAS.
DALLAS, DIVISION.
CIVIL ACTION, FILE NO. CA-3-4811- A.

BILLY BOB WILLIAMS ET UX: PETITIONERS:	X	"PETITION FOR REMOVAL"
V.	X	FROM THE COURT OF CIVIL APPEALS
DR. DWIGHT DILL ET AL:	X	TEXARKANA, TEXAS.
RESPONDENTS:	X	

MOTION TO REMOVE
BILLY BOB WILLIAMS ET UX:
DR. DWIGHT DILL ET AL:
"IF THIS CASE WAS NOT REMOVABLE, IT IS A CASE WHICH HAS BECOME REMOVABLE UNDER TITLE 28, SECTION 1443.

BILLY BOB WILLIAMS AND ROSEMARY WILLIAMS, UPON THE BASIS OF THE FACTS STATED IN THIS MOTION OF ROSEMARY WILLIAMS, COUNSEL FOR DEFENDANTS IN THE LOWER TRIAL COURT, AND APPELLANTS IN THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA, TEXAS. ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, MOVES THIS COURT TO REMOVE THIS CAUSE, FROM THE COURT OF CIVIL APPEALS. TO THE UNITED STATES DISTRICT COURT, TITLE 28, SECTION 1443. TO WHICH IT HAS BECOME REMOVABLE, PETITIONER WILL SHOW THE COURT THE FOLLOWING:

(1.) THIS CASE WAS REMOVED WITHIN THE TIME REQUIRED BY THE STATUTES OF THE UNITED STATES APPLICABLE THERETO IN THAT THE PURPORTED REMOVAL PETITION WAS FILED, WHEN THE CASE IS ONE WHICH HAS BECOME REMOVABLE. THE PETITIONERS RIGHTS HAVE BEEN DENIED THEM UNDER TITLE 28, SECTION 1443. FOR THE FACT THAT THIS EXHIBIT C. IS A TRUE AND CORRECT COPY OF THE MOTIONS FILED WITH THE COURT OF CIVIL APPEALS.

PETITIONERS CIVIL RIGHTS HAVE BEEN DENIED THEM FOR THE FACT, THE COURT OF CIVIL APPEALS WOULD NOT MAKE A RULING ON THESE MOTIONS MORE ESPECIALLY ITEM NO.(3.) NO.(5.) NO.(7.)NO. (8.) AND NO.(9.). THE COURT SHOULD HAVE RULED ON THESE MOTIONS, FOR JUSTICE OF PETITIONERS NO(3.) AND NO.(9.)WOULD PROVE THIS COURT OF CIVIL APPEALS AND THE LOWER TRIAL COURT WERE WITHOUT JURISDICTION."

THIS COURT OF CIVIL APPEALS SHOULD HAVE KNOWN THAT ITEM NO.(3.) AND NO.(9.) ARE MATTERS THAT BELONG IN THE UNITED STATES DISTRICT COURT, THAT WOULD HAVE PROPER JURISDICTION. AND THERE SHOULD NOT HAVE BEEN ANY FURTHER DELAY IN RULING ON THESE MATTERS SO THAT JUSTICE MIGHT BE DONE, TO CARRY THESE MOTIONS WITH THE CASE AS STATED IS UNNECESSARY WASTE OF TIME AND MONEY, AND THIS VIOLATES THE RIGHTS OF PETITIONERS "DUE PROCESS OF LAW". AND THERE CIVIL RIGHTS HAVE BEEN DENIED THEM IN THE STATE COURT. THIS COURT OF CIVIL APPEALS SHOULD HAVE REVERSED AND REMANDED THIS CASE TO THE LOWER TRIAL COURT TO BE FILED IN THE COURT WITH JURISDICTION. UPON THE FILING OF THE MOTIONS, MORE ESPECIALLY NO.(3.) AND NO. (9.). THIS CASE BELONGS IN THE UNITED STATES DISTRICT COURT, WITH JURISDICTION. AS PETITIONERS STATED IN THE MOTIONS TO THE COURT OF CIVIL APPEALS. THIS VIOLATES THE RIGHTS OF PETITIONERS, UNDER THE 11 TH. AMENDMENT AND THE 14 TH AMENDMENT, OF THE UNITED STATES CONSTITUTION.

THE CONSTITUTIONAL RIGHTS HAVE BEEN DENIED THESE PETITIONERS FOR THE FACT THE OFFICIAL COURT REPORTER DENIED THEM THEIR STATEMENT OF FACTS, WITH A SUFFICIENT BOND POSTED, (DOUBLE AMOUNT) FOR THE TRANSCRIPT AND THE STATEMENT OF FACTS. UNDER RULE 354, ARTICLE 2268. REVISED CIVIL STATUTES OF TEXAS.

THE CIVIL RIGHTS HAVE BEEN DENIED THE PETITIONERS UNDER TITLE 28, § SECTION 1443. FOR THE FACT THIS HIGHER COURT SHOULD HAVE BEEN ABLE TO DETERMINE BY THE EVIDENCE FILED THAT WAS SUFFICIENT FOR THEM TO MAKE A RULING, THEN AND THERE UPON RECEIVING THE MOTION AND EVIDENCE, THIS VIOLATES THE RIGHTS OF PETITIONERS, IN CARRYING THESE MOTIONS WITH THE CASE AND NOT RULING ON THIS MATTER.

FOR THE PURPOSES OF THIS UNITED STATES DISTRICT COURT: THE FOLLOWING IS QUOTED:

TITLE 28, SECTION 1443: CIVIL RIGHTS CASES:

ANY OF THE FOLLOWING CIVIL ACTIONS OR CRIMINAL PROSECUTIONS, COMMENCED IN A STATE COURT MAY BE REMOVED BY THE DEFENDANT TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT AND DIVISION EMBRACING THE PLACE WHEREIN IT IS PENDING:

(1.) AGAINST ANY PERSON WHO IS DENIED OR CANNOT ENFORCE IN THE COURTS OF SUCH STATE A RIGHT UNDER ANY LAW PROVIDING FOR THE EQUAL CIVIL RIGHTS OF CITIZENS OF THE UNITED STATES, OR OF ALL PERSONS WITHIN THE JURISDICTION THEREOF:

(2.) FOR ANY ACT UNDER COLOR OF AUTHORITY DERIVED FROM ANY LAW PROVIDING FOR EQUAL RIGHTS, OR FOR REFUSING TO DO ANY ACT ON THE GROUND THAT IT WOULD BE INCONSISTENT WITH SUCH LAW.

BEST AVAILABLE COPY

ATTACHED HERETO WOULD BE KNOWN HEREAFTER FOR ALL PURPOSES AS EXHIBIT C:

WHEREFORE, PREMISES CONSIDERED, BILLY BOB WILLIAMS ET UX: RESPECTFULLY MOVES THIS COURT TO REMOVE THIS CASE, AT THE EARLIEST POSSIBLE DATE. FROM THE COURT OF CIVIL APPEALS, SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA, TEXAS. THAT JUSTICE MIGHT BE DONE WITHOUT ANY FURTHER DELAY.

PETITIONERS, FURTHER PRAYS, THAT THIS COURT HAS JURISDICTION OF PETITIONERS, AND SHOULD BE REMOVED, TO THIS COURT WITH JURISDICTION. THE REMOVAL OF THIS CASE TO THIS UNITED STATES DISTRICT COURT WILL BE FOR THE CONVENIENCE OF PARTIES AND WITNESSES AND WILL PROMOTE JUSTICE, FOR THE FACT THIS CASE SHOULD BE REMOVED TO THIS COURT, "WHERE SUIT MIGHT HAVE BEEN BROUGHT." THIS IS A CASE THAT SHOULD HAVE BEEN TRIED IN THE UNITED STATES DISTRICT COURT, AND THE TRIAL COURT WAS AWARE OF THE FACT, ALSO THE COURT OF CIVIL APPEALS, SHOULD HAVE BEEN AWARE OF THE FACT WITH THE TRANSCRIPT BEFORE THEM:

(1.) "DIVERSITY OF CITIZENSHIP". THE AMOUNT OF $10,000 DOLLARS CONTROVERSY EXISTING IN CAUSE 13,020. AND THIS WAS NOT THE SAME SUBJECT MATTER, NOR THE SAME PERSONS INVOLVED..

THIS SAID CAUSE WAS FILED AS:

ROSEMARY WILLIAMS
V.
DR. DWIGHT DILL — "MISREPRESENTATIONS AND FALSE PRETENSES."

(2.)
THERE WERE "INDISPENSABLE PARTIES." NOT BEFORE THE COURT. TO DEFEND THERE TITLE, IF ANY.

THE COURT OF CIVIL APPEALS SHOULD HAVE RULED ON THESE MOTIONS SO THAT JUSTICE MIGHT PREVAIL.

THIS IS A CASE WHICH HAS BECOME REMOVABLE, IF THIS CASE WAS NOT REMOVABLE BEFORE.

Rosemary Williams
COUNSEL FOR PETITIONERS

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT I MAILED POSTAGE PREPAID, THIS 15th DAY OF JUNE, 1971. A COPY OF THE FOREGOING MOTION TO MR. HENRY H. HARBOUR, P.O. DRAWER 2077, LONGVIEW, TEXAS. AND MR. M.D. CARLOCK P.O. BOX 151, WINNSBORO, TEXAS. ATTORNEYS FOR RESPONDENTS.

Rosemary Williams
COUNSEL FOR PETITIONERS

T. C. CHADICK
CHIEF JUSTICE
MATT DAVIS
C. L. RAY, JR.
ASSOCIATE JUSTICES

Court of Civil Appeals

Sixth Supreme Judicial District
401 Texas City Hall Building
Texarkana, Texas 75501
Telephone 794-5081

(MRS.) LONNIE E. HENRY
(MISS) MARILYN MYERS
CHIEF DEPUTY
(MRS.) BONNIE O'NEAL
SECRETARY

May 18, 1971

Mrs. Rosemary Williams
1608 Gardenside
Dallas, Texas 75217

Hon. M. D. Carlock
Attorney at Law
P. O. Box 151
Winnsboro, Texas

Hon. Henry H. Harbour
Smead, Roberts, Harbour & Smith
P. O. Drawer 2072
Longview, Texas 75601

Dear Mrs. Williams and Messrs. Carlock & Harbour:

RE: NO. 8040 - BILLY BOB WILLIAMS, ET UX
Appellants, vs. DR. EMORY DWIGHT DILL,
ET AL, Appellees

Our Court of Civil Appeals has on this date entered its orders in the referenced proceeding whereby the following motions were ordered carried with the case to be disposed of upon final determination thereof:

1) Appellants' Motion for Leave to File "Abstract of Title" and Aerial Survey Map."

2) Appellants' Motion for Leave to File Motion to Dismiss for Failure of Appellee to File Brief "In True Form and Substance with Appellant."

3) Appellants' Motion for Leave to File Motion to Dismiss Absence of Indispensable Parties.

4) Appellants' Motion for Leave to File Motion for Informalities in Record.

5) Appellants' Motion for Leave to File Motion for Reversal and Remanding "Official Court Reporter Refused to Accept Cost Bond."

CLERK

6) Appellants' Motion for Leave to File Supplemental Brief Fifty-Fifth Point of Error, and Supplemental Brief Fifty-Sixth Point of Error.

7) Appellants' Motion for Leave to File Motion to Have Question Certified by Supreme Court as to Fact of Rule 354 being a Legal Statute, etc.

8) Appellants' Motion for Leave to File "Insufficiency of Evidence to Support the Judgment."

9) Appellants' Motion for Leave to File "Diversity of Citizenship."

Sincerely yours,

Lonnie E. Henry

(Mrs.) Lonnie E. Henry, CLERK

JUN 29 1971

Filed
19
JOSEPH McKENZIE, JR., Clerk
By
Deputy

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

BILLY BOB WILLIAMS, et al.	)	
	)	
V.	)	No. CA 3-4811-A
	)	
DR. DWIGHT DILL, et al.	)	

ORDER OF REMAND

It appearing to the Court from the record in this case that this action was improperly removed under the provisions of 28 U.S.C. § 1446, and that it should be remanded to the State Court,

It is ordered that this action is hereby remanded to the Court of Civil Appeals for the Sixth Supreme Judicial District at Texarkana, Texas, and that a certified copy of this Order of Remand shall be mailed by the Clerk of this Court to the Clerk of such State Court.

The costs of removal having been paid, no execution shall issue therefor.

SIGNED and ORDERED ENTERED on June 29, 1971.

JOE E. ESTES

United States District Judge

BEST AVAILABLE COPY

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No: 71-2448

Summary Calendar*

BILLY BOB WILLIAMS, ET UX,

Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL,

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

---

(October 20, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.[1]

---

*Rule 18, 5 Cir.; See *Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al.*, 5 Cir., 1970, 431 F.2d 409.

[1]See *NLRB v. Amalgamated Clothing Workers of America*, 5 Cir., 1970, 430 F. 2d 966.

Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 71-2448

BILLY BOB WILLIAMS, ET UX,
Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

---

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC
(Opinion Oct. 20, 1971, 5 Cir., 1971, _____ F2d _____).

(November 16, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: The Petition for Rehearing is DENIED and no member of this panel nor Judge in regu-

lar active service on the Court having requested that the Court be polled on rehearing en banc, (Rule 35 Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the Petition for Rehearing En Banc is DENIED.

Adm. Office, U.S. Courts—Scofields' Quality Printers, Inc., N. O., La.

United States Court of Appeals

FOR THE FIFTH CIRCUIT

October Term, 1971

No. 71-2448
Summary Calendar

D. C. Docket No. CA 3-4811

BILLY BOB WILLIAMS, ET UX,

Plaintiffs-Appellants,

versus

DR. DWIGHT DILL, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Texas

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Northern District of Texas, and was taken under submission by the Court upon the record and briefs on file, pursuant to rule 18;

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed;

It is further ordered that plaintiffs-appellants pay to defendants-appellees, the costs on appeal to be taxed by the Clerk of this Court.

October 20, 1971

Issued As Mandate:

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

ROOM 408-600 ROYAL ST.
NEW ORLEANS, LA. 70130

November 24, 1971

Miss Rosemary Williams
1608 Gardenside Drive
Dallas, Texas 75217

No. 71-2448 - Billy Bob Williams, et ux vs. Dr. Dwight Dill, et al.

MANDATE STAYED TO: December 24, 1971

Dear Sir:

The court has this day granted a stay of the issuance of the mandate to the date as shown above. If during the period of the stay there is filed with the clerk of this court a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari the mandate shall issue immediately under Rule 41, FRAP.

Under revised Rule 21(1) of the Supreme Court effective July 1, 1970, a record is no longer required in connection with an application for writ of certiorari, and therefore will not be routinely prepared by this office (38LW 3502).

Enclosed is a copy of the opinion, judgment and order denying rehearing which are still required by the Supreme Court to be incorporated as an appendix to your petition.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Claudette Stelly
Deputy Clerk

enc.
cc: Messrs. Henry H. Harbour
John M. Smith
Mr. M. D. Carlock

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SUPREME COURT, U. S.

71 - 768

Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

BILLY BOB WILLIAMS ET UX: PETITIONERS:

VS.

DR. DWIGHT DIL ET AL: RESPONDENTS:

APPLICATION FOR WRIT OF CERTIORARI.

FROM THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LOUISIANA. CASE NO. S - 71-2448.

ROSEMARY WILLIAMS
1608 GARDENSIDE DR.
DALLAS, TEXAS 75217

COUNSEL FOR PETITIONERS:

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NO.

"THE SUPREME COURT OF THE UNITED STATES."

BILLY BOB WILLIAMS ET UX: PETITIONERS:

VS.

DR. DWIGHT DILL ET AL: RESPONDENTS:

"APPLICATION FOR WRIT OF CERTIORARI."

STATEMENT OF THE CASE.

TO THE HONORABLE COURT:

THIS CASE WAS INSTITUTED BY DR. DWIGHT DILL VS. BILLY BOB WILLIAMS ET UX: # 12,763 NOV. 28, 1968. "TRESSPASS TRY TITLE." THIS IS A CASE OF A CITIZEN OF ANOTHER COUNTRY, SUING A CITIZEN OF A STATE.

ROSEMARY WILLIAMS INSTITUTED A CASE VS. DR. DWIGHT DILL: CASE # 13,020: FEB. 20,1970: "MISREPRESENTATIONS AND FALSE PRETENSES." DR. DILL MADE A MOTION FOR CONSOLIDATION OF CAUSE 13,020 TO BE CONSOLIDATED WITH HIS CASE 12,763. TO WHICH ROSEMARY WILLIAMS, OBJECTED AND EXCEPTED THEIR WAS A HEARING OCT. 23,1970. THE LOWER TRIAL COURT OF WOOD COUNTY, TEXAS. AND THE JUDGE

ORDERED THE CONSOLIDATION. OF THE TWO CAUSES AS 12,763 (CONSOLIDATED) 13,020. DR. DWIGHT DILL ET AL: VS. BILLY BOB WILLIAMS ET UX: THERE WERE SEVERAL CASES PENDING IN THE SAID COURT, TO THE SAME LAND, CASE NO's.12,881, 13,043, AND 13,049. THIS WAS TOTALLY WRONG AND UNCONSTITUTIONAL. "FUNDAMENTAL ERROR." PLAINTIFF DR. DWIGHT DILL, PART.

(1.) "DIVERSITY OF CITIZENSHIP."
(2.) " CONTROVERSY OF COSTS."
(3.) "INDISPENSABLE PARTIES."

WAS MENTIONED IN THIS SAID COURT, AND EACH COURT THEREAFTER. THIS CONSOLIDATION WAS ENTERED OCT. 23,1970.

THIS CASE WAS APPEALED, TO THE COURT OF CIVIL APPEALS SIXTH SUPREME JUDICIAL DISTRICT, TEXARKANA, TEXAS. THESE HERETOFORE MOTIONS WERE MADE TO THE SAID COURT TO DISMISS, AND WERE OVERULED, MAY 28,1971. FROM THIS ORDER, THE PETITION FOR REMOVAL, WAS FILED MAY 25,1971. TITLE 28 SEC. 1446: WAS PROPERLY REMOVED, IF THIS CASE WAS NOT REMOVABLE. "IT IS A CASE THAT HAS BECOME REMOVABLE." TITLE 28 SEC. 1443: IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION. CASE NO. CA 3-3-4811-A. THIS CASE WAS REMANDED BY HONORABLE JUDGE JOE E. ESTES. JUNE 29,1971. THIS ORDER WAS APPEALED TO THE FIFTH CIRCUIT COURT OF APPEALS, NEW ORLEANS LOUISIANA. JULY 2,1971. THIS IS A CASE

OF THE PETITIONERS CONSTITUTIONAL RIGHTS BEING DENIED THEM, BY SOME STATE COURT OFFICIALS, TITLE 28 SEC. 1443: THIS IS A CASE OF CONSPIRACY, FRAUD, BRIBERY, AND FORGERY, AND INVOLVES STATE OFFICIALS. PETITIONERS TEXAS CONSTITUTIONAL RIGHTS, AND UNITED STATES CONSTITUTIONAL RIGHTS HAVE BEEN DENIED THEM BY SOME STATE OFFICIALS. THIS IS STATE OFFICIALS, CONSPIRING, ILLEGALLY, TO ACQUIRE TITLE THROUGH "MISREPRESENTING THE LAND." DESCRIPTION, THIS VIOLATES THE RIGHTS OF PETITIONERS, AND IS BEING REPUGNANT TO THE 14 th. AMENDMENT U. S. C. A. AFFIDAVIT: STATING THAT THE DESCRITION OF THE LAND WAS DISGUISED AND THIS IS CONSPIRACY BY STATE OFFICIALS TO ACQUIRE THIS LAND OF PETITIONERS. THROUGH FRAUD 100 VARAS BY 840 VARAS, OF LAND. THIS TRACT OF 100 x 840 VARAS, IS CLAIMED BY FOUR PERSONS, DR. DILL, BILLY BOB WILLIAMS ET UX: C. E. (CAP) NICHOLS, AND STATE SENATOR RALPH M. HALL.

STATE SENATOR RALPH M. HALL IS CLAIMING THIS LAND, WILLFULLY, WANTONLY, AND INTENTIONALLY THROUGH FRAUD. DEPRIVING THESE PETITIONERS OF THEIR CONSTITUTIONAL RIGHTS. GURANTEED BY THE TEXAS CONSTITUTION AND THE UNITED STATES CONSTITUTION. THIS IS BEING DISCRIMINATORY, AND VIOLATES THE 14 th. AMENDMENT U. S. C. A., AND THE TEXAS CONSTITUTION. "DUE PROCESS OF LAW." "EQUAL

PROTECTION CLAUSE." PROPERTY RIGHTS.

1. ARTICLE 5507; 3 YEARS POSSESSION
2. ARTICLE 5509; 5 YEARS POSSESSION.
3. ARTICLE 5510: 10 YEARS POSSESSION
4. ARTICLE 5513: TITLE BY POSSESSION
5. ARTICLE 5514: "PEACEABLE POSSESSION."
6. ARTICLE 5515: "ADVERSE POSSESSION."
7. ARTICLE 5519: ACTION BARRED IN 25 YEARS.

THIS DR. DILL IS A CITIZEN OF VAN COUVER, CANADA ROBERT P. DILL IS A CITIZEN OF LOS ANGELES, CALIF. AND COULD NOT BENEFIT, BY ANY OF THE SAID HERETOFORE STATUTES, OF THE TEXAS CONSTITUTION.

THESE TEXAS STATUTES, OR REPUGNANT TO THE 14th. AMENDMENT TO THE UNITED STATES CONSTITUTION.

THIS COMES UNDER TITLE 28 SEC.1343: (1.) AND TITLE 28 SEC. 1443: CIVIL RIGHTS, THIS COMES UNDER FEDERAL JURISDICTION AND SHOULD HAVE BEEN TRIED IN UNITED STATES DISTRICT COURT, WITH PROPER JURISDICTION. THIS IS STATE OFFICIALS OBSTRUCTING JUSTICE.

THIS UNITED STATES COURT HAS JURISDICTION, TITLE 28 SECTIONS, 1331;, 1332;, 1443;, AND FEDERAL RULE 19: THESE RESPONDENTS ATTORNEYS FILED A FICTITIOUS PLEADING, TO INTENTIONALLY WANTONLY, AND WILFULLY, DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS.

"ALLEGATION OF JURISDICTION."

JURISDICTION FOUNDED ON "DIVERSITY OF CITIZENSHIP." AND AMOUNT. PETITIONER IS A CITIZEN OF THE STATE OF TEXAS, DALLAS COUNTY, TEXAS.

PETITIONERS PRINCIPAL PLACE OF RESIDENCE IS DALLAS COUNTY, TEXAS. RESPONDENTS DR. DWIGHT DILL ET AL: IS A CITIZEN OF VAN COUVER, CANADA. ROBERT P. DILL IS A CITIZEN OF LOS ANGELES, CALIFORNIA. THE MATTER IN CONTROVERSY EXCEEDS, EXCLUSIVE OF INTEREST AND COSTS, THE SUM OF TEN THOUSAND DOLLARS, AND EXCEEDS THE AMOUNT TO BE A (FEDERAL QUESTION INVOLVED, AMOUNT IN CONTROVERSY.) EXCEEDS THE AMOUNT OF A CASE TO BE TRIED IN STATE COURT, THIS COMES UNDER FEDERAL JURISDICTION TITLE 28 SEC. 1331; U.S.C.A.

JURISDICTION FOUNDED ON THE EXISTENCE OF A FEDERAL QUESTION, AMOUNT IN CONTROVERSY: "DIVERSITY OF CITIZENSHIP." AND "INDISPENSABLE PARTIES." TITLE 28 SCETIONS. 1331:,1332:,1343:,1443; AND RULE 19; F.R.C.P.

THIS ACTION ARISES UNDER THE CONSTITUTION OF THE UNITED STATES, ARTICLE III: SECTION 2. THE 11 th. AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, 72. STAT. 415: U.S.C., TITLE 28 SECTION 1332;

THE MATTER IN CONTROVERSY EXCEEDS, EXCLUSIVE

OF INTEREST AND COSTS, THE SUM OF TEN THOUSAND DOLLARS. EXCEEDS $10,000 (DOLLARS)

JURISDICTION FOUNDED ON THE EXISTENCE OF A QUESTION ARISING UNDER PARTICULAR STATUTES, THE ACTION ARISES UNDER 72 STATUTES 415 U.S.C.

THIS IS A CASE THE FEDERAL COURT HAS JURISDICTION OVER, FOR THE PURPOSES OF THIS SECTION 1331; SEC. 1332; AND RULE 19: F.R.C.P. ALSO THIS IS A CASE THAT HAS BECOME REMOVABLE UNDER TITLE 28 SEC. 1443; (CIVIL RIGHTS.) AMOUNT IN CONTROVERSY EXCEEDS $10,000. "DIVERSITY OF CITIZENSHIP." "INDISPENSABLE PARTIES."

THIS IS A CITIZEN OF ONE STATE SUING A CITIZEN OF ANOTHER STATE. WHICH THIS INVOLVES A FEDERAL QUESTION OF FEDERAL JURISDICTION, AND SHOULD BE REMOVED TO THE FEDERAL COURT.

IF NEED BE. FOR FURTHER DETERMINATION OF THE FEDERAL QUESTION INVOLVED, THE COURT OF WOOD COUNTY, TEXAS. WAS WITHOUT PROPER JURISDICTION.

"POINTS OF ERROR."

TEXAS REVISED CIVIL STATUTES ANN. ARTICLE 1995; "VENUE." DIVISION (9.) (9a.) AND SUBDIVISION(13) THIS TEXAS CONSTITUTION DOES NOT APPRISE THE COURT OF WOOD COUNTY, TEXAS. JURISDICTION OF PERSONS OR MATTER. THIS IS REPUGNANT TO THE 14th. AMENDMENT, "DUE PROCESS OF LAW." "EQUAL PROTECTION CLAUSE." FOR THIS COURT TO TRY THE CASE WITHOUT

JURISDICTION. PLEA OF PRIVILEDGE WAS FILED MAY 8,1970. OVERULED MAY 25,1970. WITHOUT A HEARING, PLAINTIFF'S 12,763 FILED A CONTROVERTING PLEA, AND SERVED DEFENDANTS JULY 24,1970. JUDGE SET A HEARING FOR AUG. 5,1971. THE PLAINTIFF'S NOR THEIR ATTORNEYS, APPEARED FOR HEARING, NOR DID THEY FILE A MOTION FOR CONTINUANCE. DEFENDANTS FILED PLEA OF PRIVILEDGE TO TRANSFER TO THE DOMICLE OF DEFENDANTS. DALLAS COUNTY; TEXAS. THE JUDGE HAD ALREADY OVERULED THE PLEA OF PRIVILEDGE WHEN HE SET A HEARING FOR THE CONTROVERTING PLEA, HE WAS ADVISED OF THE FACT BY THE DEFENDANT, ROSEMARY WILLIAMS.

"THIS IS ERROR APPARENT OF THE RECORD, THAT THE. THAT THE REGISTERED SURVEYOR WITH THE STATE OF TEXAS, MADE TWO SURVEYS FOR DR. DWIGHT DILL ET AL: AND THE TWO SURVEYS, DO NOT CORRESPOND, HE HAS DISGUISED THE SURVEYS, AND TESTIFIED AS A WITNESS TO INCORRECT SURVEY, SO DR. DILL COULD CLAIM THIS LAND AND THIS IS CONSPIRACY, STATE OFFICIALS. OBSTRUCTING JUSTICE, TO ILLEGALLY ACQUIRE TITLE TO THE LAND OF PETITIONERS. THIS VIOLATES THE CONSPIRACY, TITLE 42 SEC. 1985; THIS VIOLATES THE PETITIONERS CONSTITUTIONAL RIGHTS, INVOLVES A CHARGE OF THE "SHERMAN ACT CONSPIRACY."

THE BASIS OF FEDERAL JURISDICTION:

(1.) "DIVERSITY OF CITIZENSHIP." TITLE 28 SEC. 1332;

(2.) "CONTROVERSY OF COSTS," TITLE 28 SEC. 1331;

(3.) "INDISPENSABLE PARTIES." FEDERAL RULE 19;

ARGUMENT

CHIEF JUSTICE PARSONS,

BISSELL VS. BRIGGS

9 MASS. 462 AT PAGE 468

CIVIL PROCEDURE

"IN ORDER TO ENTITLE THE JUDGEMENT RENDERED IN ANY COURT OF THE UNITED STATES, TO THE FULL FAITH AND CREDIT MENTIONED IN THE FEDERAL CONSTITUTION, THE COURT MUST HAVE JURISDICTION NOT ONLY OF THE CAUSE, BUT OF THE PARTIES."

"INDISPENSABLE PARTIES."

"A DECREE SO AFFECTING THE INTERESTS OF PERSONS NOT JOINED AS PARTIES IS IMPROPER."

AS WAS SAID:

STEWART VS. UNITED STATES

5 th. CIR. 1957, 242, F.2D. 49, 51.

"NO DECREE CAN BE ENTERED AFFECTING THE TITLE TO PROPERTY OR CANCELLING ANY CLOUD THEREIN UNLESS ALL OF THE PARTIES INTERESTED IN THE TITLE OR IN THE PARTICULAR CLOUD AND WHO WILL BE DIRECTLY AFFECTED BY ANY JUDGEMENT THAT MAY

BE RENDERED ARE PROPERLY BEFORE THE COURT." THIS RULING WAS MADE BY THE FIFTH CIRCUIT OF APPEALS NEW ORLEANS, LOUISIANA. THIS IS VIOLATING THE RIGHTS OF PETITIONERS, TO AFFIRM THE JUDGEMENT OF THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION.

TO REMAND THIS BACK TO A STATE COURT THAT IS WITHOUT PROPER JURISDICTION, OF THE PERSONS OR MATTER. "INDISPENSABLE PARTIES." THIS STATE COURT DOES NOT HAVE JURISDICTION OF THE "INDISPENSABLE PARTIES."

3 MOORE, FEDERAL PRACTICE
(2 D. ED. 1948) ¶ 19.05 RULE 12 (H.)

"FEDERAL RULES OF CIVIL PROCEDURE, PROVIDES THAT THE DEFENSE OF FAILURE TO JOIN AN "INDISPENSABLE PARTY," IS NEVER WAIVED.

AS STATED IN:

BROWN VS. CHRISTMAN

SUPRA, 126, F. 2 D. AT PAGE 632.

"IF THEY ARE "INDISPENSABLE PARTIES." IT IS OUR DUTY TO PROTECT THEIR INTERESTS ON THIS APPEAL, EVEN THOUGH THE QUESTION WAS NOT RAISED IN THE DISTRICT COURT: AND IT WILL BE THE DUTY OF THE DISTRICT COURT TO PROTECT THEM.

IN ANY FURTHER PROCEEDINGS THERE."

AS STATED IN:

STATE OF WASHINGTON VS. UNITED STATES,

SUPRA, 87 F. 2 D. AT PAGE 427.

QUOTING FROM:

SHIELDS V. BARROW,

1855, 17 HOW. 129,141,

58 U.S. 129,130,15 L. ED. 158,

WHICH IN TURN QUOTED FROM:

MALLOW V. HINDE 1827,

12 WHEAT. 193,198, 25 U.S.

193, 6 D. ED. 599

IS PREDICATED:

"ON THE GROUND THAT NO COURT CAN ADJUDICATE DIRECTLY UPON A PERSONS RIGHT, WITHOUT THE PARTY BEING EITHER ACTUALLY OR CONSTRUCTIVELY BEFORE THE COURT."

THEIR ARE SEVERAL PEOPLE CLAIMING THIS LAND UNDER THE STATUTES OF LIMITATIONS, THAT WERE NOT BEFORE THE COURT TO CLEAR THERE TITLE IF ANY, AND THIS PUTS A CLOUD ON THE TITLE FOR THE JUDGEMENT, OF WRIT OF POSSESSION. THAT WAS ENTERED AGAINST THESE PETITIONERS. IN THE SAID COURT, 115 th JUDICIAL COURT, OF

WOOD COUNTY, TEXAS. THAT WAS WITHOUT JURISDICTION OF THE PERSONS.

THIS SUIT WAS INSTITUTED AS FOLLOWS:

DR. DWIGHT DILL PLAINTIFF'S

VS.

BILLY BOB WILLIAMS ET UX: DEFENDANTS.

THIS WAS APPEALED AS FOLLOWS:

BILLY BOB WILLIAMS ET UX: PETITIONERS

VS.

DR. DWIGHT DILL ET AL: RESPONDENTS

THIS DR. DILL INSTITUTED THE TRESSPASS TRY TITLE, SUIT AGAINST THE PETITIONERS, BILLY BOB WILLIAMS ET UX: AS A FICTITIOUS PLEADING. THIS IS VIOLATING THE PETITIONERS CONSTITUTIONAL RIGHTS TO ILLEGALLY, AND CONSPIRING TO DEFRAUD THESE PETITIONERS OF THEIR PROPERTY RIGHTS, THIS IS BEING DISCRIMINATORY TO THE 14 th. AND 11 TH. AMENDMENT OF THE CONSTITUTION. "DUE PROCESS OF LAW." "EQUAL PROTECTION CLAUSE." AND VIOLATES THEIR PROPERTY RIGHTS. AND VIOLATES THE RIGHTS IF ANY OF THE "INDISPENSABLE PARTIES." THIS VIOLATES THE CIVIL RIGHTS OF PETITIONERS TITLE 28 SECTION 1443: AND TITLE 28 SEC. 1343:

IF THIS CASE WAS NOT REMOVABLE, "IT IS A CASE THAT HAS BECOME REMOVABLE." TITLE 28 SEC. 1446:

(1.) "DIVERSITY OF CITIZENSHIP."

TITLE 28 SECTION 1332:

(2.) "CONTROVERSY OF COSTS." EXCEEDS $10,000.

TITLE 28 SCETION 1331:

(3.) "INDISPENSABLE PARTIES."

FEDERAL RULE 19:

THESE PETITIONERS BILLY BOB VILLIAMS ET UX: OR HEIRS TO G.R. VILLIAMS AND ZULA VILLIAMS. THIS UNDIVIDED 300 ACRES OF LAND WAS SOLD AND CONVEYED TO G.R. VILLIAMS AND A.L. NOREN, BY L.H. SCRAPE AND WIFE MRS. L.H. SCRAPE. DATED DEC. 17,1936, FILED FEB. 17,1937. IN THE DEED RECORDS OF WOOD COUNTY, TEXAS. VOL. 157 PAGE 500 THIS CASE BY ALL MEANS SHOULD BE REMOVED TO THE UNITED STATES DISTRICT COURT, WITH PROPER JURISDICTION, OF ALL PARTIES, "INDISPENSABLE PARTIES." CLAIMING ANY TITLE TO THIS SAID LAND. THIS IS WRONG TO TRY THIS CASE AND THE RESPONDENTS OR NOT CITIZENS OF THE STATE OF TEXAS, THIS SAID JUDGMENT PUTS A CLOUD ON THE TITLE, AND THE STATE COURT IS WITHOUT JURISDICTION TO DO SO. THIS IS STATE OFFICIALS OBSTRUCTING JUSTICE.

C O N C L U S I O N

FOR THE REASONS STATED HEREIN, THE JUDGEMENT OF THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LOUISIANA. IS CLEARLY WRONG AND IN CONTRADICTION OF THE HERETOFORE CASES, CITED BY THIS SAID COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LOUISIANA. AND IS REPUGNANT TO THE 14 th. AMENDMENT TO THE CONSTITUTION. THIS CASE SHOULD HAVE NEVER BEEN REMANDED TO THE STATE COURT, THIS SAID COURT HAD SUFFICIENT EVIDENCE BEFORE THEM TO PROVE THERE WAS A CONSPIRACY OF STATE OFFICIALS. FRAUD, BRIBERY AND STATE OFFICIALS OBSTRUCTING JUSTICE. THERE WAS ERROR APPARENT OF RECORD, THAT THERE WERE INDISPENSABLE PARTIES. THIS IS "ILLEGALLY" AND UNCONSTITUTIONALLY CONSPIRED, BY STATE OFFICIALS.

WHEREFORE , YOUR PETITIONERS, PRAY, THAT THE APPLICATION FOR WRIT OF ERROR BE GRANTED. THAT THE CIVIL RIGHTS OF PETITIONERS HAVE BEEN DENIED THEM TITLE 28 SEC. 1443: AND SEC. 1343: (1.) OR IN THE ALTERNATE THAT THIS CASE BE DISMISSED UNLESS ALL "INDISPENSABLE PARTIES." OR BEFORE THE COURT. THAT THIS IS UNCONSTITUTIONAL TO BE TRIED IN THE STATE COURT, WITH UNNECESSARY EXPENSE. THIS IS REPUGNANT TO THE 14 th AMENDMENT. "DUE PROCESS OF LAW." "EQUAL PRTECTION CLAUSE."

PETITIONERS, FURTHER PRAYS, THAT THERE IS ERROR APPARENT OF RECORD, FUNDAMENTAL ERROR, HARMFULL ERROR, AND REVERSIABLE ERROR. THIS INVOLVES A CHARGE OF THE "SHERMAN ACT CONSPIRACY." AND AND THAT THIS SAID TRESSPASS TRY TITLE SUIT INSTITUTED, UNDER A FICTITIOUS PLEADING BE IN ALL THINGS DISMISSED, THIS WAS "ILLEGALLY," AND UNCONSTITUTIONALLY CONSPIRED.

RESPECTFULLY SUBMITTED,

Rosemary Williams

ROSEMARY WILLIAMS
1608 GARDENSIDE DR.
DALLAS, TEXAS 75217

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT SERVICE OF THIS APPLICATION OF WRIT OF CERTIORARI, HAS BEEN MADE ON OPPOSING ATTORNEY, ON THIS 10th DAY OF DECEMBER, 1971., IN AN ENVELOPE, CERTIFIED RETURN RECEIPT REQUESTED, WITH POSTAGE PREPAID, PROPERLY ADDRESSED TO THE ATTORNEYS, AS FOLLOWS:

M. D. CARLOCK
P.O. BOX 151
WINNSBORO, TEXAS

JOHN M. SMITH
P.O. DRAWER 2078
LONGVIEW, TEXAS

Rosemary Williams

ROSEMARY WILLIAMS

A F F I D A V I T

STATE OF TEXAS:
COUNTY OF DALLAS: } KNOW ALL MEN BY THESE PRESENTS:

MY NAME IS ROSEMARY WILLIAMS, AND I AM THE COUNSEL FOR BILLY BOB WILLIAMS ET UX:

I HEREBY STATE AND KNOW TO MY OWN PERSONAL KNOWLEDGE THAT STATE SENATOR RALPH M. HALL, DR. DWIGHT DILL ET AL: AND C.E. (CAP) NICHOLS ARE CLAIMING THIS LAND, 100 VARAS by 840 VARAS, THROUGH A CONSPIRACY TO DEPRIVE THESE PETITIONERS OF THEIR PROPERTY RIGHTS, AND TITLE TO THEIR LAND. THIS IS UNCONSTITUTIONAL, AND REPUGNANT TO THE 14 th. AMENDMENT TO THE CONSTITUTION.

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT THE FLY LEAF COPIES OF THE DESCRIPTION OF THE LAND WILL PROVE THERE IS A CONSPIRACY, ONE MAP STATES 295 VARAS NORTH, AND ONE MAP STATES 395 VARAS, 'NORTH'.

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT THE PATENT TO THE LAND STATES TO BE 395 VARAS NORTH.

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT THE REGISTERED SURVEYOR FOR THE STATE OF TEXAS, WHO IS BONDED WITH THE STATE OF TEXAS. MR. W. A. MORRISSON JR. MADE BOTH MAPS, AND STATED AND CERTIFIED THAT EACH ONE WAS CORRECT, 295 VARAS NORTH, AND 395 VARAS NORTH. BOTH MAPS COULD NOT BE CORRECT,

THIS IS A CONSPIRACY, WHEN THIS STATE SURVEYOR, SURVEYED THE LAND IN QUESTION FOR STATE SENATOR RALPH M. HALL, DR. DWIGHT DILL ET AL: AND C.E. (CAP) NICHOLS.

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT THIS INVOLVES A CONSPIRACY, WHEN THE SURVEYOR SHOULD BE VERY FAMILIAR WITH THE RECORDS TO THIS LAND, AND BY ALL MEANS SHOULD TAKE SPECIAL CARE TO SURVEY THE LAND, TRUE AND CORRECT.

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT STATE SENATOR RALPH M. HALL, AND THE REGISTERED SURVEYOR FOR THE STATE OF TEXAS MR. W.A. MORRISSON JR. OR STATE OFFICIALS INVOLVED IN A CONSPIRACY, TO DEFRAUD THESE PETITIONERS OF THEIR PROPERTY, "ILLEGALLY" AND UNCONSTITUTIONALLY CONSPIRED. UNDER TITLE 42 SECTION 1985;

I KNOW TO MY OWN PERSONAL KNOWLEDGE THAT THE SURVEYOR, HAS RECORDED IN THE DEED RECORDS OF WOOD COUNTY, TEXAS. TWO SURVEYS (1 CORRECT) (1 INCORRECT)

I KNOW TO MY OWN PERSONAL KNOWLEDGE THERE ARE OTHER CASES PENDING IN THE SAME COURT, TO THE SAME TITLE TO THE SAME LAND. THIS IS "ILLEGALLY" AND UNCONSTITUTIONALLY CONSPIRED, TO DEPRIVE THE PETITIONERS OF THERE LAND. TITLE 28 SEC. 1343;(1.) THROUGH FRAUD.

Rosemary Williams

ROSEMARY WILLIAMS

1608 GARDENSIDE DR.

DALLAS, TEXAS 75217

WITNESS MY HAND AT DALLAS, TEXAS THIS 9th DAY OF NOVEMBER, 1971.,

S./ Rosemary Williams

ROSEMARY WILLIAMS

STATE OF TEXAS:

COUNTY OF DALLAS:

SUBCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC IN AND FOR DALLAS, COUNTY, TEXAS. STATE OF TEXAS. THIS 9th DAY OF NOVEMBER A.,D., 1971.

SEAL

S.

JACK E. FOSTER

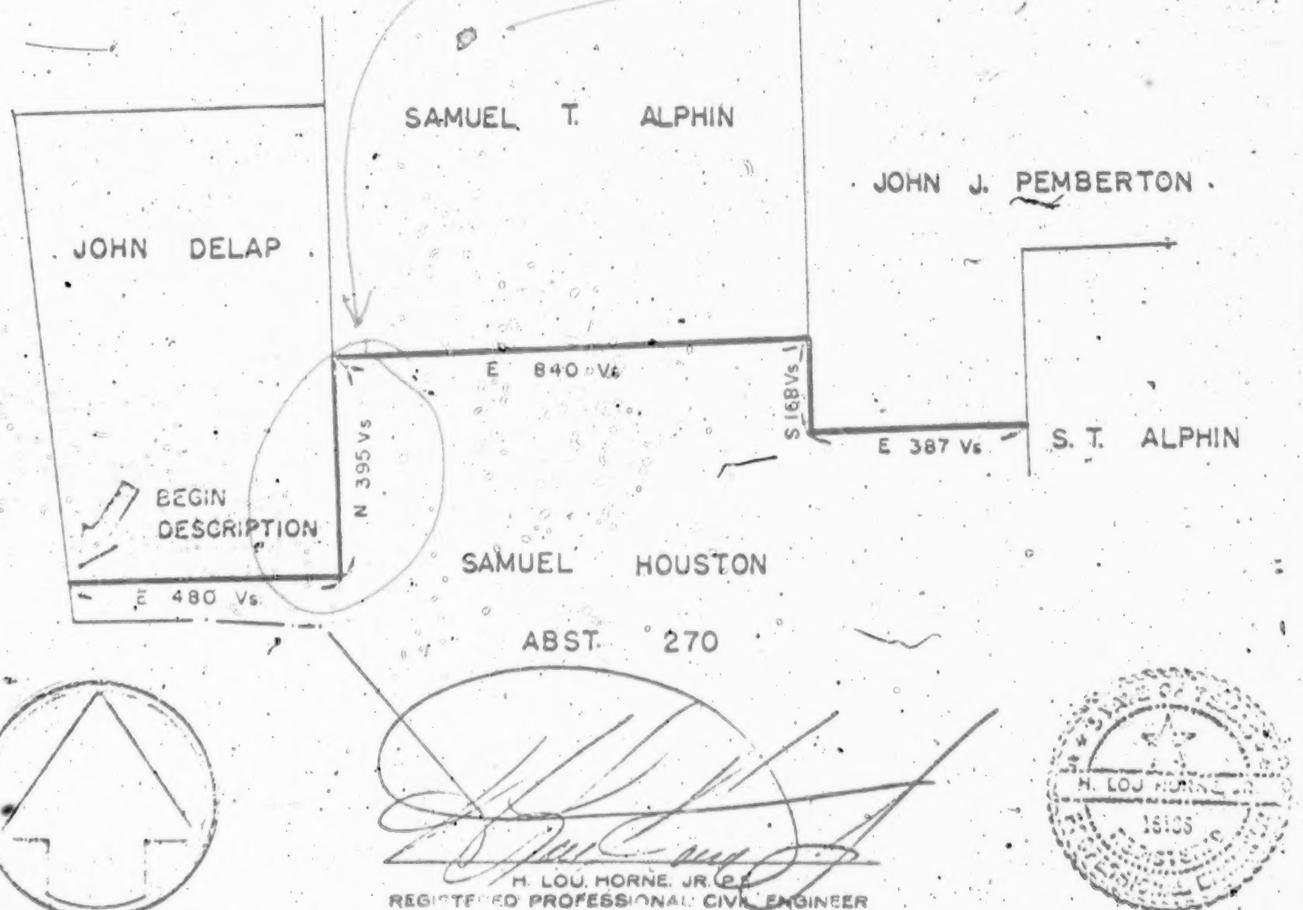
NOTARY PUBLIC, DALLAS COUNTY, TEXAS

DATE: 26 December 1968 SURVEY PLAT SCALE: 1" = 20'
JOB NO: 68-585

TO ALL PARTIES INTERESTED IN PREMISES

This is to certify that the bearings and distances shown on this plat are the same as those shown on the plat titled "Working Sketch of Surveys in Wood County", produced by the General Land Office, Jerry Sadler-Commissioner, Austin, Texas. dated 7 November 1968. These calls are from the original land grants per State of Texas Records. For the Samuel Houston Survey, Abstract No.270, Wood County, Texas.

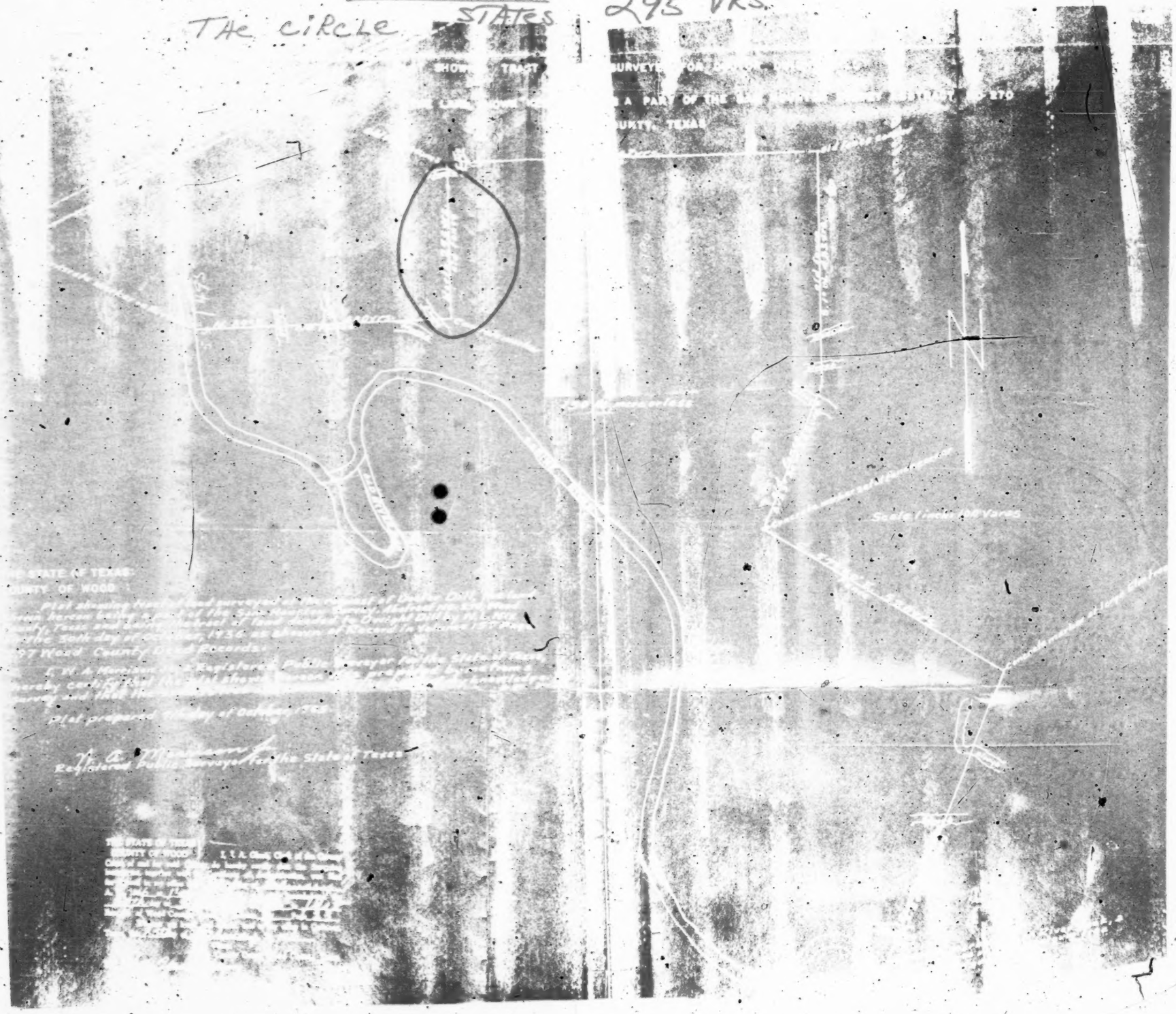
- 4 - (ADDENDUM)

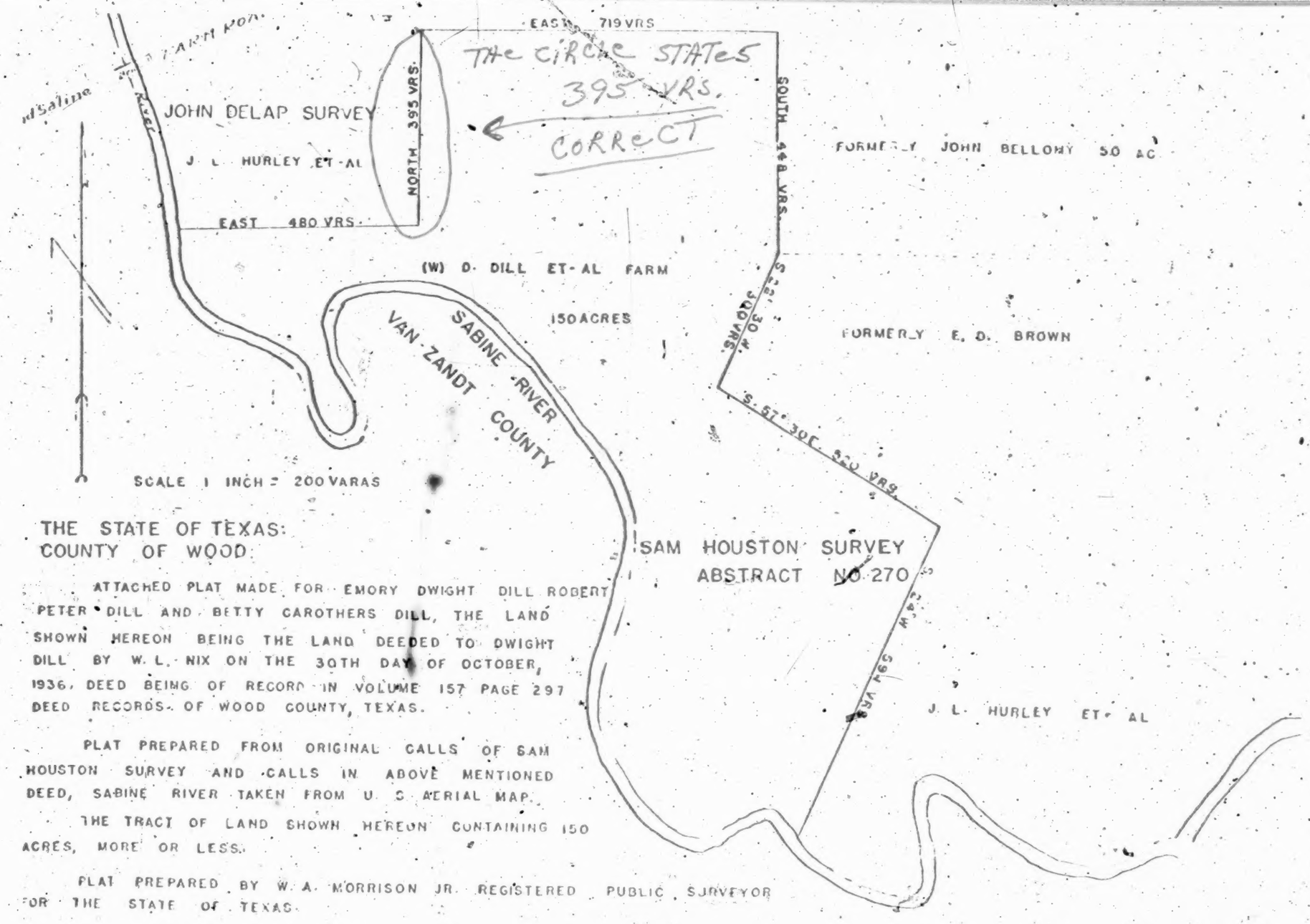


H. LOU. HORNE, JR. P.E.
REGISTERED PROFESSIONAL CIVIL ENGINEER

H. LOU HORNE
15133

INCORRECT.
THE CIRCLE STATES 295 VRS.





THE STATE OF TEXAS:
COUNTY OF WOOD

ATTACHED PLAT MADE FOR EMORY DWIGHT DILL ROBERT PETER DILL AND BETTY CAROTHERS DILL, THE LAND SHOWN HEREON BEING THE LAND DEEDED TO DWIGHT DILL BY W. L. NIX ON THE 30TH DAY OF OCTOBER, 1936, DEED BEING OF RECORD IN VOLUME 157 PAGE 297 DEED RECORDS OF WOOD COUNTY, TEXAS.

PLAT PREPARED FROM ORIGINAL CALLS OF SAM HOUSTON SURVEY AND CALLS IN ABOVE MENTIONED DEED, SABINE RIVER TAKEN FROM U. S. AERIAL MAP.

THE TRACT OF LAND SHOWN HEREON CONTAINING 150 ACRES, MORE OR LESS.

PLAT PREPARED BY W. A. MORRISON JR. REGISTERED PUBLIC SURVEYOR FOR THE STATE OF TEXAS.

THIS 30TH DAY OF SEPTEMBER, 1957.

s/ W. A. Morrison, Jr.
Registered Public Surveyor for the State of Texas

Filed for Record
At 9:40 o'clock A M

Oct. 7, 1957
A. L. Calhoun, County Cle
Wood County, Texas

LIBRARY
SUPREME COURT, U. S.

Supreme Court, U.S.
FILED
JAN 5 1972
E. ROBERT SEAVER, CLERK

In the

Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-768

BILLY BOB WILLIAMS, et ux

v.

DR. DWIGHT DILL, et al

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF FOR DR. DWIGHT DILL, ET AL, IN OPPOSITION

SMEAD, ROBERTS, HARBOUR, SMITH, HARRIS & FRENCH,
P. O. Drawer 2072,
Longview, Texas 75601,
Attorneys at Law.

THE WARLICK PRESS DIVISION, STECK-WARLICK CO.
P. O. BOX 10543 — 1455 ROUND TABLE DRIVE — DALLAS — 631-3130

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In the

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v.

DR. DWIGHT DILL, et al

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

---

BRIEF FOR DR. DWIGHT DILL, ET AL, IN OPPOSITION

OPINIONS BELOW

The district court did not render an opinion. The opinion of the court of appeals is not yet reported but is attached hereto as Exhibit "A" and the order overruling the motion for rehearing is attached hereto as Exhibit "B".

JURISDICTION

The judgment of the court of appeals was entered on October 20, 1971. A petition for rehearing was denied on

November 16, 1971. The petition for a writ of certiorari was filed on December 10, 1971. The jurisdiction of this court is invoked under 28 U.S.C. 1331, 28 U.S.C. 1332, 28 U.S.C. 1343, 28 U.S.C. 1443, 28 U.S.C. 1446 and 28 U.S.C. 1985, none of which sections of the judicial code are applicable which will be demonstrated later.

QUESTIONS PRESENTED

1. Did the Appellants comply with the requirements of 28 U.S.C. 1446 in filing their petition for removal from the courts of the State of Texas to the United States District Court for the Northern District of Texas in the Dallas Division thereof?

2. Did the trial court correctly remand this cause to the courts of the State of Texas?

3. Have any constitutional rights of the Appellants been violated?

4. Did the Appellants attempt to remove this cause of action to the wrong United States District Court?

STATEMENT

The Respondents do not agree in any particular with the statement of the case as presented by the Petitioners in their application for writ of certiorari and state that such statement does not adequately apprise the court of the conflicts between the Petitioners and Respondents.

This matter before the court involves an ordinary trespass to try title action in which the Petitioners claim title to a certain tract of land in Wood County, Texas, and Respon-

dents claim the superior title to the same tract of land. After appropriate pleadings were filed and without any attempt at removal, the title to the tract of land involved was tried before a jury in Wood County, Texas, and based upon adverse findings of the jury a judgment was entered by the trial court awarding superior title to such tract of land to the Respondents herein. The entire Judgment of the State District Court is set out in the addendum to Petitioner's application for Writ of Certiorari and shows on its face that all the constitutional rights of the Petitioners were protected. No attempt at removal was made to the Federal Courts at any time before judgment was rendered. An attempt was made to remove this case to Federal Court after the Petitioners in this Cause had appealed to the Court of Civil Appeals for the Sixth Supreme Judicial District of the State of Texas.

An inspection of the initial pleading filed in the United States District Court for the Northern District of Texas, Dallas Division, will reveal it was given No. CA3-4811 and was styled Petition for Removal to United States District Court "That my Constitutional Rights have been Denied Me, Under the Eleventh and Fourteenth Amendment of the United States Constitution." An inspection of the body of such instrument will reveal that although no number is ever referred to of State Court litigation that the Appellants-Petitioners complain of certain action had by the District Court of Wood County, Texas, in trying a cause of action pending in that Court. A further inspection of the initial pleading filed by the Appellants will not reveal the nature of any of the procedural aspects of her litigation, nor does it

reveal in any manner whatsoever how the Appellants have been injured in any manner much less in a manner that would have violated their constitutional rights.

Before this present suit began in the United States District Court these same Appellants-Petitioners and Defendants-Respondents had had a litigation in the District Court of Wood County, Texas, in the form of a Trespass to Try Title action. The chronological events of the State Court litigation can be secured by referring to the affidavit of Henry H. Harbour which was attached to the Motion to Remand, filed in the United States District Court by the Defendants, Dr. Dwight Dill and Robert P. Dill. Such affidavit is the only place in this record which will reveal the nature of the problems that existed by and between the parties to this appeal.

This record reveals that an ordinary Trespass to Try Title Action was filed in Cause No. 12,763, in the District Court of Wood County, Texas, and in such Cause the Appellees-Respondents here were the Plaintiffs and the Appellants-Petitioners were the Defendants. An answer was entered to such cause of action and no Petition for Removal was filed to the Federal Courts. This Answer was filed December 17, 1968. Thereafter, the same Appellants-Petitioners filed a suit, although not labeled a Trespass to Try Title action, apparently sought to recover the same lands made the subject of Cause of Action No. 12,763 and this cause of action filed by the Appellants-Petitioner had No. 13,020 and was filed February 20, 1970. The issue was joined in Cause No. 13,020 by the Defendants, Dill, filing an Answer to such

cause of action. Thereafter, upon motion being duly made on October 13, 1970, the District Court of Wood County, Texas, consolidated Cause of Action No. 12,763 and Cause of Action No. 13,020. On such date the First Amended Original Petition was filed by the Dills, the Appellees-Respondents here, and no Petition for Removal was made. On November 23, 1970, with the Appellants-Petitioners then present the Consolidated Cause proceeded to trial before a jury and was tried from day to day until November 25, 1970, when the jury returned its verdict in favor of the Appellees-Respondents. On December 31, 1970 the judgment was entered in No. 12,763 giving title and possession to the tract of land involved in such law suit to the Appellees-Respondents, Emory Dwight Dill and Robert P. Dill.

From that Judgment the Appellants-Petitioners in this cause were the Appellants in the Court of Appeals of the Sixth Supreme Judicial District of Texas, sitting at Texarkana, Texas, under Cause No. 8040, styled Billy Bob Williams, et ux, Appellants, v. Emory Dwight Dill, et al, Appellees. The case had been set for submission and oral argument on June 22, 1971, but prior to that date on May 25, 1971, the Appellants-Petitioners filed the present Petition for Removal to the United States District Court. Although it has not been published in the Southwest Reports of West Publishing Company the Court of Civil Appeals has affirmed the State District Court Judgment awarding possession of the land to the Dills, and the decision of the Court of Civil Appeals has been affirmed by the Supreme Court of Texas by its refusing to grant a Writ of Error.

After the original filing with the United States District Court on May 25, 1971, the Appellants-Petitioners filed three other motions with one styled Petition for Removal from the Court of Civil Appeals, Texarkana, Texas, on June 11, 1971; Motion re Petition for Removal on June 11, 1971 and a Motion to Remove Billy Bob Williams, et ux, v. Dr. Dwight Dill, et al, "If this case was not removable, it is a case which has become removable, under Title 28 Section 1443."

Upon those three instruments being filed they completed the pleadings of the respective parties and on June 29, 1971, the United States District Court, Honorable Joe E. Estes presiding, entered his Order remanding the action to the Court of Civil Appeals for the Sixth Supreme Judicial District at Texarkana, Texas. Judge Estes' Order was affirmed by the 5th Circuit. This appeal resulted from such affirmation.

The Respondents further state that the statement of the case filed by the Petitioners is totally incorrect and is not supported by any records before the Court in stating that one State Senator Ralph M. Hall is claiming the land involved through fraud. State Senator Ralph Hall was never a party nor does he have, according to the record, any ownership in the land involved. Furthermore, the Petitioners have treated the rules of evidence rather loosely in attaching to their application for writ of certiorari several maps which are not in evidence before the court in this particular cause nor were they before the Circuit Court of Appeals or the Trial Court. However, none of such maps

show that any of the Petitioners constitutional rights have been violated.

ARGUMENT

The decision below is correct. There is no conflict of decisions or other occasion for further review.

At the outset it must be remembered that this is not a cause of action that was originally filed in the Federal Court. On the other hand, it is a Petition for Removal that is governed by the requirements of 28 U.S.C.A. 1446 and none of such requirements were met. In fact, instead of the requirements being met during all of the time that the causes of action between the parties in this cause was pending in the District Court of Wood County, Texas, no effort was ever made in any manner whatsoever to remove such causes to the Federal Court. On the other hand, many, many instruments were filed in that cause by the Appellants-Petitioners in this cause. They actively participated in the trial of the cause and actively participated in perfecting an appeal to the Court of Appeals for the Sixth Supreme Judicial District of Texas, sitting at Texarkana, Texas. For some reason, after perfecting that appeal and before the Court of Civil Appeals had an opportunity to even hear an argument in such cause this present Petition for Removal was filed. The Petition for Removal was defective in that it was not filed within thirty days after the receipt of the copy of the pleadings made upon the Defendant nor was a copy of the pleadings made upon the Defendant nor was a copy of all the processes and pleadings that had been served

upon the Appellants-Petitioners attached to the Petition for Removal.

The thirty day limit for the filing of the Petition for Removal is mandatory and upon failure to comply a case must be remanded. See *Adams v. Western Steel Building, Inc.*, (D.C. COL.) 1969, 296 F.S. 759; *Maybruck v. Haim*, (D.C. N.Y. 1968), 290 F.S. 721 and *Robinson v. LaChance*, (D.C. N.C. 1962) 209 F.S. 845.

Rule 7 of the Federal Rules of Appellate Procedure provide that an Appellant unless he is exempted by law or having filed his supersedeas bond or other undertaking which includes security for the payment of cost on appeal, shall file a bond for cost with the notice of appeal. From the record furnished to the Appellees-Respondents it does not appear that such appeal bond was posted although some type of cost bond was posted. 28 U.S.C.A. 1446 provides that the petition for removal must be a verified petition and contain a short and plain statement of the facts which entitle him or them to removal. An inspection of all of the pleadings filed on behalf of the Appellants-Petitioners will reveal that there is a total lack of absence of any allegations which would show that this is a proper case that can be removed to the Federal Courts. If a constitutional question were involved, it would not be the subject of a Petition for Removal but would be an entirely different proceedings.

Also, it must be considered that the Appellants-Petitioners have not exhausted their remedies in the State Courts in appealing from an adverse decision of a State District Court judgment in which they had actively participated.

(The Federal Courts do not favor and have never held that jurisdiction can be maintained in the Federal Courts and the State Courts at the same time. The Appellants-Respondents are invoking the jurisdiction of the Court and the Supreme Court of Texas at the same time. This, the law does not permit.)

Also, it must be borne in mind that the Court of Civil Appeals in Texas is an Intermediate Court and that there is a Texas Supreme Court and if the Appellants-Petitioners were dissatisfied with the ruling (which had not been made at the time of the filing of this Petition for Removal), they had, upon following the applicable rules of Civil Procedure, the right to appeal to the Texas Supreme Court and to have the decision of the State District Court and the Court of Civil Appeals reviewed. Since the Petition for Removal does not show any reason which would make it a case removable to the Federal Courts then in the absence of such the United States District Court correctly held that the case should be remanded to the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas where the case was then pending. See 28 U.S.C.A. 1446, *Couch v. White Motor Company*, (D.C. Mo. 1968) 290 F.S. 697; In Re Heisig, (D.C. Ill. 1959) 178 F.S. 270; *F and L Drug Corporation v. American Cent. Insurance*, (D.C. Conn. 1961) 200 F.S. 718; and *Yarbrough v. Blake*, (D.C. Ark. 1962) 212 F.S. 133.

As additional reason why the decision of the United States District Court should be affirmed, the Appellees-Respondents submit that even had this been a case for removal the same

would have been removable to the United States District Court for the Eastern District of Texas, Texarkana Division and not the United States District Court for the Northern District of Texas, Dallas Division. See *General Investment Company of the Lake Shore and M. R. Company*, 260 U.S. 261 — 67 L. Ed. 244; — 43 Sup. Ct. Rep. 106; and *Buffington v. Vulcan Furniture Mfg. Corp.*, (D.C. Ark. 1950) 84 F.S. 13.

CONCLUSION

The decision of the Fifth Circuit Court of Appeals affirming the judgment of the United States District Court for the Northern District of Texas is clearly correct in remanding this cause to the Court of Civil Appeals for the Sixth Supreme Judicial District of Texas.

The Petitioners in this cause simply do not want to accept the fact that they were accorded a full and complete trial before a jury of lawful citizens of the United States in the District Court of Wood County, Texas, in which cause they appeared and fully litigated their rights before such jury.

An inspection of the records before the District Court and Circuit Court of Appeals will reveal that the Petitioners were accorded all of the constitutional guarantees given to them by the Constitution of the United States. They were unsuccessful in prosecuting their cause of action in the Courts of the State of Texas, and now are attempting to relitigate the same questions that have been determined adversely to them in the courts of the State of Texas.

There is no place in the application for Writ of certiorari or in the record before this court which would show that any rights of any nature have ever been denied to the Respondents and therefore the application for writ of certiorari should be denied.

Respectfully submitted,

SMEAD, ROBERTS, HARBOUR, SMITH, HARRIS & FRENCH,

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CERTIFICATE OF SERVICE

It is hereby certified that service of this brief of Dr. Dwight Dill, et al, in opposition to the application for writ of certiorari has been made on opposing counsel by mailing four copies thereof on this 3 day of ~~December~~ JANUARY, 1972, in an envelope, with postage prepaid, properly addressed to them as follows:

Rosemary Williams
1608 Gardenside
Dallas, Texas 75217

By Jerry S. Harris
Jerry S. Harris

EXHIBIT "A"

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 71-2448
Summary Calendar*

Billy Bob Williams, et ux,
Plaintiffs-Appellants,

versus

Dr. Dwight Dill, et al,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

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(October 20, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.[1]

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* Rule 18, 5 Cir.; See *Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, et al.*, 5 Cir., 1970, 431 F. 2d 409.

[1] See *NLRB v. Amalgamated Clothing Workers of America*, 5 Cir., 1970, 430 F. 2d 966.

EXHIBIT "B"

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 71-2448

Billy Bob Williams, et ux,
Plaintiffs-Appellants,

versus

Dr. Dwight Dill, et al,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of Texas

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ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC
(Opinion Oct. 20, 1971, 5 Cir., 1971, ... F2d .....).

(November 16, 1971)

Before BROWN, Chief Judge, INGRAHAM and RONEY, Circuit Judges.

PER CURIAM: The Petition for Rehearing is DENIED and no member of this panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, (Rule 35 Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the Petition for Rehearing En Banc is DENIED.